

JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

**I. (a) PLAINTIFFS**

LEONETTI, AMANDA

(b) County of Residence of First Listed Plaintiff PHILADELPHIA

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Harry J. Kane, Jr., Esq., Saffren & Weinberg, 815 Greenwood  
Avenue, Ste 22, Jenkintown, PA 19046 (215) 576-0100

**DEFENDANTS**

CITY OF PHILADELPHIA and  
POLICE OFFICER JEAN SPICER

County of Residence of First Listed Defendant PHILADELPHIA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt Reporting <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 usc section 1983

Brief description of cause:  
Assault

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/19/2011

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1440 Wolf Street, Apt. 3, Philadelphia, PA 19145

Address of Defendant: One Parkway, 1515 Arch Street, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge

Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☒ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Harry J. Kane, Jr.,

counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: October 19, 2011

Harry J. Kane, Jr.

Attorney-at-Law

52610

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: October 19, 2011

Harry J. Kane, Jr.

Attorney-at-Law

52610

Attorney I.D.#

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1440 Wolf Street, Apt. 3, Philadelphia, PA 19145  
Address of Defendant: One Parkway, 1515 Arch Street, Philadelphia, PA 19102  
Place of Accident, Incident or Transaction: Philadelphia, PA  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☒ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Harry J. Kane, Jr., counsel of record do hereby certify:  
☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;  
☐ Relief other than monetary damages is sought.

DATE: October 19, 2011 Harry J. Kane, Jr. 52610  
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: October 19, 2011 Harry J. Kane, Jr. 52610  
Attorney-at-Law Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

AMANDA LEONETTI

:
  
:
  
:
  
:
  
:

CIVIL ACTION

v.

CITY OF PHILADELPHIA, ET AL

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

October 19, 2011  
**Date**

Harry J. Kane, Jr.  
**Attorney-at-law**

Plaintiff  
**Attorney for**

215-576-0100

215-576-6288

hkane@saffwein.com

**Telephone****FAX Number****E-Mail Address**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

AMANDA LEONETTI	:	CIVIL ACTION NO.
1440 Wolf St.	:	
Apt. 3	:	
Philadelphia, PA 19145	:	
Plaintiff,	:	
v.	:	JURY TRIAL DEMANDED
	:	
CITY OF PHILADELPHIA	:	
One Parkway	:	
1515 Arch Street	:	
Philadelphia, PA 19102-1595	:	
and	:	
POLICE OFFICER JEAN SPICER	:	COMPLAINT
One Parkway	:	
1515 Arch Street	:	
Philadelphia, PA 19102-1595,	:	
Defendants.	:	

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**JURISDICTION**

This action is brought pursuant to 42 U.S.C. Section 1983. Jurisdiction is based upon 28 U.S.C. Section 1331 and 1343(1), (3), (4), and the aforementioned statutory provision. Plaintiffs further invoke the pendent and ancillary jurisdiction of this Court to hear and decide claims arising under state law.

**VENUE**

Venue is proper under 28 U.S.C. Section 1391(b) because the cause of action upon which the Complaint is based arose in Philadelphia, Pennsylvania which is in the Eastern District of Pennsylvania.

**PARTIES**

1. Plaintiff, AMANDA LEONETTI, is a citizen and resident of the City of Philadelphia, Philadelphia County, Commonwealth of Pennsylvania.

2. Defendant City of Philadelphia is a municipality in the City of Philadelphia, Philadelphia County existing under the laws of the Commonwealth of Pennsylvania.
3. At all times relevant herein the aforementioned Defendant employed Police officer JEAN SPICER who was at all times relevant hereto an officer with the City of Philadelphia Police Department and is being sued both individually and as officers, agents and/or employees of the City of Philadelphia.
4. On October 22, 2009 at approximately 12:45 a.m., Plaintiff AMANDA LEONETTI was among thousands of Phillies fans located at Broad and Shunk St in South Philadelphia celebrating the Phillies' pennant clinching.
5. At the aforementioned time and place, Defendant, SPICER was among the Philadelphia Police officers dispatched to the area for crowd control.
6. As the Plaintiff attempted to cross Broad Street to return to her home on Wolf St., she was assaulted by Officer Spicer, who threw her to the ground, placed plastic handcuffs upon her and Physically abused her, without cause or justification.
7. At the aforementioned time and place, Plaintiff was detained by Defendants, and held for transport to be charged with a Disorderly Conduct offense, pretextually fabricated by Officer Spicer to cover for her assault upon the plaintiff.
8. Plaintiff was ultimately released at approximately 4:00 a.m from this unlawful and wrongful detention.
9. Plaintiff suffered physical injury, shame and humiliation as a result of Officer Spicer's outrageous and unlawful conduct and her arrest and humiliation having been broadcast on local news.

10. On December 18, 2009, all charges against the plaintiff were dismissed by the trial court when the City and Officer Spicer failed to proceed.
11. As a direct and proximate result of the aforementioned acts and omissions of the Defendants, Plaintiff suffered and continues to suffer from but not limited to the following:
  - A. Severe degradation, humiliation, embarrassment, emotional stress and anxiety;
  - B. Extreme fear, anxiety and paranoia especially upon seeing police officers and constables;
  - C. Damage to his reputation as a good, honest and law abiding citizen;
  - D. Having been and may continue to be prevented to attending to some or all of his usual daily activities to his great detriment and loss;
  - E. Wrist trauma;
  - F. Post-Traumatic Stress/Anxiety Syndrome including but not limited to sleeplessness, dizziness, nausea and feelings of despair.
  - L. Injuries to his nerves and nervous system;
12. As a direct and proximate result of the aforementioned actions of the Defendants, Plaintiff has been obliged to and may continue to expend various sums of money and to incur various expenditures for medical expenses for an indefinite period of time in the future, to his great detriment and loss.
13. As a direct and proximate result of the aforementioned actions of Defendants, Plaintiff, has suffered a severe loss of earnings and impairment of his earning



capacity or power, which will continue for an indefinite period of time in the future to his great detriment and loss.

14. As a direct and proximate result of the aforementioned actions of the Defendants, Plaintiff has and will thereafter incur other financial expenses and losses.
15. As a direct and proximate result of the aforementioned actions of the Defendants, Plaintiff, has suffered agonizing aches, severe physical trauma and pains, contusions, bruises, numbness, disability, mental anguish, humiliation and emotional distress and he will continue to suffer the same for an indefinite time in the future, to his great detriment and loss.

**COUNT I**  
**42 U.S.C. SECTION 1983 AND 1988**

16. Paragraphs 1 through 15 are incorporated herein by reference as though fully set forth herein at length.
17. As aforementioned, Defendant, SPICER, acted in the course and scope of her employment, under the color of state law, and pursuant to the customs, policies and practices of the Defendant City of Philadelphia intentionally and maliciously assaulted Plaintiff and detained Plaintiff without probable cause, without due process of law and depriving them of the equal protection of the law and depriving them of the privileges and immunities afforded to citizens of the United States, all of which actions violated the Plaintiffs' rights under the Fourth, Fifth, Sixth and Fourteenth Amendments of the Constitution of the United States, laws of the United States and in violation of 42 U.S.C. Section 1983.
18. As aforementioned, Defendant SPICER acted in the course and scope of her



employment, under the color of state law, and pursuant to the customs, policies and practices of the Defendant, City of Philadelphia when she intentionally and maliciously assaulted the Plaintiff and used her authority illegally and improperly to punish the Plaintiffs all of which violated the Plaintiffs' rights under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments of the Constitution of the United States, the laws of the United States and in violation of 42 U.S.C. Section 1983.

19. The above described actions of Defendant, SPICER, were so malicious intentional and/or grossly negligent, displayed such a reckless indifference to the Plaintiff's rights and well being that the imposition of punitive damages is warranted against Defendant SPICER.

WHEREFORE, pursuant to 42 U.S.C. Section 1983 and Section 1988 Plaintiff demands compensatory and punitive damages against all named Defendants in an amount in excess of \$100,000.00.

**COUNT II**  
**EXCESSIVE FORCE**  
**42 U.S.C. SECTION 1983 AND 1988**

20. Paragraphs 1 through 19 are incorporated herein by reference as though each were fully herein set forth at length.
21. The injuries and damages aforementioned were caused solely and exclusively by the carelessness and negligence of the Defendants its police officers, constables agents and/or employees. In addition to that mentioned above consisted of the following:
  - A. Failing to restrain the unreasonable seizure of persons without probable cause, without valid warrants by Defendants, police officers and/or

- constables;
- B. Failing to restrain the unreasonable assault upon the plaintiff;
  - C. Failing to properly supervise and/or control police officers and/or other agents of Defendant City of Philadelphia;
  - D. Using excessive force and inappropriate means by which to subdue Plaintiffs and take them into police custody;
  - E. Failing to properly train, test and/or select police officers and/or constables;
  - F. Failing to exercise due care for the Plaintiffs' safety under the circumstances;
  - G. Failing to prevent Plaintiffs from being falsely invaded, falsely imprisoned and maliciously prosecuted by its officers where Defendants knew or had reason to know the previous conduct of said officers;
  - H. Otherwise acted without due regard for the rights, safety and position of the Plaintiffs herein; and
  - I. Otherwise violating the ordinances of the City of Philadelphia and statutes of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, demands judgment against all Defendants jointly and severally in an amount in excess of \$100,000.00 plus costs, attorney fees and delay damages.

**COUNT III**  
**FALSE ARREST AND FALSE IMPRISONMENT**

22. Paragraphs 1 through 21 are incorporated herein by reference as if each were set

forth herein at length.

23. Defendants SPICER, intentionally caused the false arrest and imprisonment of the Plaintiffs without probable cause, without privilege and against the Plaintiff's will.
24. As a direct and proximate result of the malicious and intentional acts of the Defendants' and their employees, Plaintiff suffered injuries which are described above.
25. The above described actions of Defendant, SPICER, were so malicious, intentional and reckless and displayed such a reckless indifference to the Plaintiffs' rights and well-being that the imposition of punitive damages is warranted against Defendant.

WHEREFORE, Plaintiffs demands compensatory and punitive damages against the Defendants jointly and severally to the common law torts of false arrest and false imprisonment and in an amount in excess of \$100,000.00 plus costs, interest, attorney fees and delay damages.

**COUNT IV**  
**INFLECTION OF EMOTIONAL DISTRESS**  
**42 U.S.C. SECTION 1983 AND 1988**

26. Paragraphs 1 through 25 are incorporated herein by reference as if each were fully herein set forth at length.
27. Plaintiff believes and therefore avers that Defendants did inflict serious emotional distress upon the Plaintiff in a careless and reckless manner.
28. As a direct result of the actions of the Defendants, due to the actions of Defendant SPICER, Plaintiff has been caused severe emotional damage and

experienced great emotional trauma.

29. Due to the negligence and recklessness of Defendant City of Philadelphia individually and by and through the actions of the Defendant SPICER consisted inter alia of the following:

- A. Failing to have an existence and/or maintain proper personnel training procedures necessary to prevent this type of conduct;
- B. Failing to instruct and supervise their police officers in dealing with members of the public;
- C. Failing to restrain use of force and unlawful seizures of persons by Defendant police officers and/or constables; and
- E. Carelessly, recklessly and negligently employing, training, supervising and implementing personnel policies and procedures as discovery will disclose and Plaintiff hereby reserves the right to include other causes of action and negligence after discovery has been completed.

WHEREFORE, Plaintiff, demands judgment against Defendants, jointly, severally and/or individually in an amount in excess of \$100,000.00 plus costs, interest, attorney fees and delay damages.

BY: 

HARRY J. KANE, JR., ESQUIRE  
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Saffren & Weinberg  
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Jenkintown, PA 19046  
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